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10 UNITED STATES DISTRICT COURT
11 WESTERN DISTRICT OF WASHINGTON
12 AT TACOMA

13 DAVID TARVER,

14 Petitioner,

15 v.

16 STATE OF WASHINGTON AND
17 DEPARTMENT OF CORRECTIONS

18 Respondent.

Case No. C05-5237FDB

ORDER TO AMEND

19 This habeas corpus petition has been referred to the undersigned Magistrate Judge pursuant
20 to Title 28 U.S.C. §§ 636(b)(1)(A) and 636 (b)(1)(B) and Local Magistrates' Rules MJR 3 and MJR
21 4. Petitioner seeks federal habeas corpus relief pursuant to 28 U.S.C. § 2254. (Dkt. # 6).
22 Petitioner names only the State of Washington and the Department of Corrections as a Respondent.
23 28 U.S.C. § 2243 requires writs to be directed "to the **person** having custody of the person
24 detained". (Emphasis added). This person typically is the superintendent of the facility in which the
25 petitioner is incarcerated. Failure to name the petitioner's custodian deprives federal courts of
26 personal jurisdiction. Stanley v. California Supreme Court, 21 F.3d 359, 360 (9th Cir. 1994).

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28 ORDER

1 Petitioner is ordered to file an amended petition or motion to change the case caption and
2 petitioner must name the superintendent of the facility where he is incarcerated. The new petition or
3 motion must be filed on or before **August 12th, 2005** or the court will recommend dismissal of this
4 petition on jurisdictional grounds.

5 The clerk is ordered to send copies of this order to the petitioner and to note this matter for
6 the courts **August 12th, 2005** calendar.

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8 DATED this 15th day of July, 2005.

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Karen L. Strombom
United States Magistrate Judge

ORDER